

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dominique GUYOMARD	Examiner:	Buchanan, Jacob
Serial No.:	10/590,432	Group Art Unit:	1795
Filed:	June 15, 2007	Docket No.:	70206.0049FPWO
Confirmation No.	8748		

Title:	METHOD FOR PREPARING A LITHIUM AND VANADIUM OXIDE OF THE $\text{Li}_{(1+\text{SG(A)})}\text{V}_3\text{O}_\text{P}$ TYPE
--------	---

RESPONSE TO RESTRICTION REQUIREMENT**Mail Stop AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In complete response to the Office Action dated May 26, 2010, setting forth a Restriction Requirement, Applicants submit herewith the following response. Applicants respectfully traverse the restriction requirement set forth in the Office Action.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims as follows:

Group I, claims 1-9, drawn to a method of preparing a $\text{Li}_{1-\alpha}\text{V}_3\text{O}_8$ compound; and

Group II, claims 10-18, drawn to a compound of $\text{Li}_{1-\alpha}\text{V}_3\text{O}_8$.

Applicants respectfully assert that the inventions of Group I and Group II can be examined together. Applicants respectfully submit that the invention of Group I is directed to a method of preparing a compound, and the invention of Group II is directed to the compound. Accordingly, Applicants respectfully submit that the inventions of Group I and Group II are related. As the inventions Groups I and II are related, Applicants respectfully submit that a proper search of the claims of one Group can include a proper search of the claims of the other Group. Thus, Applicants submit that all of the claims can be searched simultaneously.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study separate patents in order to have available all of the issued patent claims covering Applicants' invention.

Moreover, Applicants respectfully assert that regardless of whether the two inventions are independent or distinct, the Examiner need not have restricted the application. MPEP § 803 requires that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

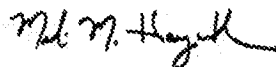
Nevertheless, in order to comply with the requirements of 37 C.F.R. § 1.143, Applicants elect, with traverse, to prosecute the invention of Group I, namely claims 1-9, for prosecution in the above-identified application.

Applicants have no intention of abandoning any non-elected subject matter, and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 13-2725 (Docket #70206.0049FPWO).

Respectfully submitted,



Melissa M. Hayworth
Reg. No. 45,774

Date: June 22, 2010

MERCHANT & GOULD P.C.
Customer No. 23,552
225 Reinekers Lane
Suite 560
Alexandria, VA 22314
202.326.0300